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Contents

The Week 282

Editorials

The Possible Consolation 285
Injunctions and Contempt of Court 287

General Articles

Emerging American Philosophy. E. C. Lindeman 290
Jewish Lullaby (verse) ..... Louis Untermeyer 291
Adult Education in England ..... R. H. Tawney 292
The Canadian Experiment. Hugh L. Keenleyside 293
Progressive Parents—Their Tragedy ..... Margery Swett 296
Now It Can Be Cold ..... Felix Ray 298

Correspondence 299

Reviews of Books

The Drama of Intelligence ..... C. E. Ayres 300
Metaphysics and Art ..... Conrad Aiken 301
Child Labor and the Constitution ..... Reuben Oppenheimer 302
Marbacka ..... Rose Lee 303
Education in the Making ..... Agnes de Lima 303

The Week

WHERE did the La Follette vote of more than four million come from? While that question can never be answered with scientific accuracy, the record of 1924 as compared to 1920, makes some generalizations possible. In the latter year, Governor Cox polled a total popular vote of 9,140,000. The 1924 returns are still incomplete, but the Davis total was probably not more than 8,200,000, nearly a million votes smaller. Since the population of course increased during these four years, the Davis vote was even smaller proportionately than these figures indicate. The Harding vote in 1920 was 16,150,000, and Coolidge's appears to have been about 15,000,000, another decrease of nearly one million votes. Theoretically, it might be supposed that these defections would together account for some four-ninths of the La Follette popular vote which was, roughly, 4,400,000. The other 2,500,000 La Follette votes would then be attributed to new voters and those who were absentees in 1920. Actually, of course, there was no such distribution. New voters divided their allegiance among the three candidates; so did those who failed to vote in 1920; and among both Republicans and Democrats there were many who voted four years ago but failed to do so this year.

ON the whole, the La Follette vote was undoubtedly drawn more from Davis's nominal supporters than from Coolidge's. La Follette ran second in California, Idaho, Iowa, Minnesota, Montana, Nevada, North and South Dakota, Washington and Wyoming, while the Republican vote in these states was not much smaller than that of 1920. The New York World points out that fourteen Northwestern states gave Davis a vote smaller by 400,000 than that which Cox received in 1920, while in the same states Coolidge ran only 189,000 votes behind Harding's record-breaking figures. In the four border states, Missouri, Oklahoma, Kentucky and Tennessee, the Democratic loss of votes since 1920 was actually larger by 53,000 than was the total La Follette vote in those states this year. The World attributes Davis's poor showing to "treachery" by McAdoo Democrats who did nothing or less than nothing to aid him. But a simpler explanation is just as probable. Thousands of progressive Democrats voted for La Follette because Davis was too conservative for them. Thousands of conservative Democrats voted for Coolidge because they had been frightened into hysterics by the possibility of a La Follette victory. All things considered, the Democrats suffered a fate strikingly similar to that of the Liberals in the recent British election. Except in the solid South, which seems to have voted pretty much as it always does, they lost to both the Right and the Left. It is the fate which is to be expected for a party which does not know, and cannot make up its mind, whether it is progressive or conservative.

SOME of the friends of Governor Alfred E. Smith of New York, have seized the opportunity offered by his remarkable personal victory at the polls to argue that he is the solitary leader of the Democracy, and the inevitable candidate for 1928. The suggestion seems to us no more than an

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invitation to the party to repeat its near-suicide of 1924. We are not unmindful of Governor Smith's abilities; but the convention of last June showed that a majority of the party is irreconcilably opposed to him and would fight his nomination to the last ditch —perhaps to the extent of complete secession. Their opposition was not merely based on loyalty to Mr. McAdoo: it was South against North; country against city; drys against wets; Puritans against liberals; and Protestants against a Roman Catholic. If Smith were to offer himself once more, the Ku Klux or near-Ku Klux group would also have its candidate—probably again Mr. McAdoo; and the factions would battle themselves into exhaustion over an issue which has nothing to do with the conduct of the federal government, until the nomination would again go by compromise to a man whose political merit was that he had no enemies. The Democracy is at last getting rid of one Old Man of the Sea, in the person of W. J. Bryan. Is it fated to saddle itself with another, of higher calibre but equal fatality, Al Smith?

INSTEAD of wanting a progressive thinker like Smith in 1928, the chances are at least equal that the Democratic party will look around for a conservative to make a frankly conservative campaign. The fires of conviction having burned themselves out long ago, the party exists nowadays solely to win, to get the political and economic power and profit which follow a victory. That being the case, it will seek to put into the show window the goods the people seem to want. Today conservatism's black appears to be the winning color, here as in Great Britain. Barring accidents, that should still be true in 1928. America is rich and the rest of the world is poor: a situation which engenders in the minds of our people the timidity natural to a wealthy old man walking through the slums at midnight. Every harmless shadow becomes a lurking menace. Chauvinism, fascism, however regrettable, are perhaps only natural under such circumstances. Moreover, in the case of the Democratic party they represent a return to a normal condition from which Woodrow Wilson led the revolt in 1912. Already by 1920 his influence was waning, and in 1924 hardly a trace was any longer visible. The Democratic party gets its body of ideas from the solid South, which is the seat of a conservatism differing from that of New England only as it springs from an agricultural, not an industrial, region. Even this distinction is being wiped out with the development in the South of hydro-electric projects and the rapid increase in textile manufactures. Any apparent devotion to progressive ideas which the Democratic party might evince in 1928, would almost certainly be a mere lip service, and it is therefore better on the whole that the party should combine honesty with what will in all likelihood seem to it the winning line and be frankly conservative in candidate and platform.

LABOR has less cause to be dissatisfied with the congressional elections than with the vote for President. The unions endorsed twenty-three candidates for Senator and elected thirteen. Only four of the defeated ones, however, are present incumbents, and though they include Johnson of Minnesota, Stanley of Kentucky and Walsh of Massachusetts, the loss will not be irreparable when the tide swings back. Of strictly Progressive Senators there are still six—La Follette, Norris, Ladd, Frazier Brookhart, nominally Republican, and Shipstead, Farmer-Labor. These do not hold the balance of power between the forty-nine regular Republicans and the forty Democrats. The special election in Connecticut to fill the place left by Brandegee's death will probably increase the Republican strength by one. The Progressives are therefore not in a situation to bargain for Democratic support in any aggressive campaign for legislation. Regular Republican measures can be passed against the united opposition, and Democratic-Progressive measures defeated. On the other hand, however, legislation so illiberal that it is likely seriously to injure farmers or labor would undoubtedly be opposed by Borah and Couzens if not by other Republicans classified as regular, such as Schall of Minnesota, who won by a narrow margin over Johnson. Thus the defensive position of labor is still held in the Senate, since unduly reactionary party proposals may be defeated by a vote of at least 48 to 48.

FOR the House of Representatives labor endorsed 283 candidates, of whom 179 were elected. Of these 165 are present incumbents, while 14 are new. Only 23 present members endorsed by labor were defeated, and the net loss is thus but 9. For 22 of the 23 defeats the Republican sweep is responsible, since the unsuccessful candidates were Democrats. No Progressives or Socialists were defeated, but on the contrary 2 new ones were elected. Although 19 new Progressive candidates failed of election, the gain for the third party is noteworthy in such a Republican tidal wave. The successful labor-endorsed candidates are divided as follows: Republicans 42, Democrats 123, Progressives and Socialists 5. The nominal Republican plurality in the new House is 60. If the endorsed candidates prove as favorable to labor's interest in the future as they have been in the past, no Republican anti-labor measures can become law. On the other hand, the strictly progressive vote is not large enough to block ordinary administration measures, since but 16 of the Republicans have consistently followed the La Follette lead. This would leave an organization majority of over 25.

FEW public careers of this generation have seemed to begin with more promise and have ended in more complete disillusionment than that of Senator Lodge, who died at Cambridge on November 9, in

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his seventy-fifth year. A brilliant young author and historian, rich enough, but too intelligent, for a life of idleness, devoting himself voluntarily to public life, "the scholar in politics," he seemed to presage a possible new day. After this promising beginning, the rest of his life was increasingly an anti-climax. Like his arch enemy, Woodrow Wilson, he had an extraordinary capacity for getting himself hated; but was without Wilson's compensatory power to attach to himself devoted friends and followers. His thirty-one years in the Senate were remarkable chiefly for the rigidity with which, after having attacked party regularity in his youth, he obeyed the order of the Republican chiefs. He attained his place as leader of the Republicans in the Senate largely by operation of the seniority system and because of the lack of men of outstanding abilities who were acceptable to the conservative group. The difficulty with which he was reëlected in 1922, after twenty-nine years' continuous service in the Senate, presaged his humiliation this year when he was ignored by the chiefs of his own party and sat in the Cleveland convention to see Coolidge nominated amid general excoriations of himself and his colleagues for having failed to accede to the President's wishes. The Old Guard had had no more faithful servant than Lodge. He served it through thick and thin when such services meant stultifying his own intelligence; and in the end it treated him with the ingratitude to which the Old Guard, like the rest of the human race, is prone.

THE threatened strike of the German railway workers draws attention to one of the features of the Dawes plan which has received too little attention in this country. One of the chief sources of revenue contemplated by the framers of the plan is railway earnings. Now, the railways have had practically no net earnings since the war. They can yield a revenue only if rates are raised or expenses cut. In the present state of German industry no material advance in rates can be made without curtailing traffic. Expenses can be reduced only by drastic reductions in the personnel. Probably the railways could be worked by a reduced number of employes. It has been suggested that twenty per cent of the employes could be dispensed with. We do not, however, see one-fifth of the railway workers taking themselves off into the limbo of unemployment without a struggle; neither do we see the remaining four-fifths assuming cheerfully the extra duties that will fall to them, without additional compensation. The Dawes plan administrators will have to go slowly in their efforts to deflate personnel unless they are willing to enter upon a prolonged struggle with labor.

ON the whole, the get-out-the-vote campaign seems to have been a failure. Final figures have not yet been tabulated, and there is an uncertain element because the increase in population since 1920 is not known exactly; but it is evident that the proportion of absentees is about as large, if not larger, than four years ago. It is roughly one in two. The bad record of that year is usually explained as due to the ignorance, timidity or apathy of millions of women so recently enfranchised that they had not become accustomed to their responsibilities. No such alibi exists for 1924; and we must conclude that the reasons for the vanishing voter enumerated by Messrs. Schlesinger and Eriksson in the New Republic (October 15) continue to hold good. These reasons, it will be remembered, are: first, a feeling of timidity and incompetence on the part of the voter; second, a belief that the purposes of the various parties are not dissimilar, and third, the diminishing interest in politics in the face of multitudinous other interests and distractions.

DID the radio play as great a part in the campaign as its admirers predicted? That is a question which must remain forever unanswered. It assuredly did not succeed in getting out any larger vote than in former years. Some persons will doubtless trace a parallel between radio and the big Coolidge majority; it was certainly the case that the Republicans were given far more time on the ether than were the Democrats, and at least ten times as much as the Progressives. There were three reasons for this. First, a majority of all broadcasting stations are owned and operated by big industrial corporations; and their managers are likely to be conservative Republicans. Second, in the North and West where the campaign was really fought, a majority of the "respectables," the men who usually receive —and accept—invitations to appear behind the microphone, are of the Coolidge faith; and third, the Republicans, having a great deal more money to spend than their opponents, invested much of it in radio time. In New York City, for example, one station was taken over every evening for a considerable period before election, and numerous additional talks were broadcast from others. When a number of stations were linked up in series, for an address by a candidate, President Coolidge always had a larger chain than Mr. Davis; while Senator La Follette was hardly able to afford such luxuries at all. We do not accuse the radio operators of deliberate unfairness; things being as they are, probably nothing else was to be expected. Radio probably helped Mr. Coolidge somewhat; though too much belief in its powers is prevented by recalling Mr. Harding's even greater landslide in 1920 accomplished without benefit of microphones.

IN the textile centres of New England the aftermath of election is expected to take the form of a labor war. If rumor is correct Mr. Butler induced a postponement of general wage cutting until Mr. Coolidge had insured the safety of the country. At

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all events the United Textile Workers feel it coming and are imploring the Federation of Labor, now in conference in El Paso, for promises of assistance. Their outlook is rather dark. The development of the southern field by northern capital, in many cases by northern mills themselves, puts the unionized workers of the North at the mercy of the cheaper and unorganized labor of the South, the states, moreover, at which the child labor amendment is pointed. As in the coal industry, the labor struggle takes the form of inter-play between union and non-union areas. The United States Census puts the average wage of all textile workers (in 1921) at seventeen dollars a week. This is the standard upon which the mill owners are about to commence their attack—for the glory of American industry, and the envy of tariff-excluded foreigners.

AS we go to press, Spain seems to be on the eve of a revolution instituted by the Republicans and directed both against Alfonso and the military dictator, Rivera, whose career has been in so many respects a duplicate of that of Mussolini. If the movement should be successful, unwise and unwarranted deductions will doubtless be made from it as to the amount of liberal Republican sentiment which exists in that country. The secret of the Spanish uprising is like that of the Greeks at the end of the late war with Turkey; it is an expression of dissatisfaction over military defeat. The Spanish war against the native tribesmen in Morocco has been going from bad to worse. Rivera, who came into power on a promise that the campaign would be carried to a speedy and triumphant conclusion, has failed abjectly to do this, and dissatisfaction over the cost of the war in men and money is widespread. Naturally, the Republicans have taken advantage of their opportunity. Rivera has proved himself an incompetent, bungling tyrant; sentencing Unamuno to exile was a characteristic fruit of his policy, and the world in general should rejoice at his downfall. Whether Spain is ready for a liberal Republican régime remains, however, a question which only time can answer.

THE daily press this week has been commemorating two anniversaries. It is six years since the Armistice, and seven since the beginning of the present Soviet government in Russia. In recalling both these events, there is a noticeable tendency to sing small. Defenders of the Armistice terms, and of the treaties of 1919 which confirmed them are almost as rare nowadays as those who still insist that the war was a battle for righteousness and made the world safe for democracy. In regard to Russia, most publicists have an uneasy recollection of numerous prophecies of its immediate downfall. Today it is generally agreed that Russia has one of the most stable governments in Europe. Those who don't like it are forced to agree with those who do, that it is being run with steadily increasing efficiency and is a factor in world politics and world trade which no important nation can afford to ignore. Anniversaries, if we take them seriously, should give us a humiliating but wholesome lack of respect for the collective wisdom of humankind, which seems to have a penchant for guessing wrong.

The Possible Consolation

SOME of the Progressive leaders have issued public statements in which they placed a cheerful interpretation on the outcome of the recent election, but by so doing they are either fooling themselves or trying to fool other people. From their point of view there is nothing encouraging about the result. They based their strategy and tactics upon the expectation of obtaining a much larger popular support than they actually received, and they sacrificed the educational aspect of their campaign to this bid for votes. The miscalculation was natural, but it was costly. It has compromised the future prospects of a radically progressive party in the United States. It is not that the Progressives failed to elect Mr. La Follette. They never expected to do that. But they did expect to convince a much larger proportion of the American people of the virtue of their cause; and in this expectation they suffered defeat. The effect of their campaign was to lose votes. The overwhelming success of Mr. Coolidge and the Republican party signified a clear and emphatic popular repudiation of Progressivism. Mr. La Follette, in spite of the small size of his support compared to that of John W. Davis, succeeded in jolting millions of his fellow countrymen to declare either for or against him, but unfortunately mostly against. The doubtful voters, many of whom to all appearances really hesitated early in the campaign, finally flocked to Coolidge. They accepted the Republican rather than the Progressive propaganda and were persuaded to identify Republicanism with prosperity and personal comfort, and Progressivism with unnecessary agitation, dangerous experiments and probable privation.

Yet, discouraging as this failure is, Progressives who are not afraid to trust in the salutary tendency of democratic processes may find something consoling in one aspect of the verdict. In politics there may be more promise of future power in the ability to impose an issue on the voters than in capturing popular attention by the winning personality of a candidate or by tickling the sense of the people by some other tempting red herring. Mr. Roosevelt obtained in 1912 a larger proportion of the popular vote than Mr. La Follette did in 1924. Yet his failure for one sufficient reason was more hopeless than the Progressive failure of this year. The voters who decided the result of the 1912 election did not vote for or against progressivism. They voted in favor of the good old Democratic party. Mr.

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Wilson polled the regular Democratic strength, irrespective of the Roosevelt insurrection; and the Progressive party of that year did not succeed in convincing anybody but a few enthusiasts that it stood at Armageddon and battled for the Lord. Mr. Roosevelt proved that he had the support of a majority of the Republicans, yet the result of his rebellion was to fasten conservatism on the party. On the other hand in 1924 the Progressives did force the issue which they considered most important upon the attention of the people. They attracted to La Follette quite as many votes from the Democrats as from the Republicans; and aided by Republican propaganda they provoked some millions of uneasy but conservative Democrats to vote for Coolidge as the most effective means of voting against La Follette. The result is that for the time being, at least, the American people have come to mean by the word Republican the party which is peculiarly responsible for things as they are and for making things as they are convertible into cash prosperity for a majority of the voters.

The consciousness which began to dawn on so many million Americans as the result of both Progressive and Republican propaganda that the existing political and economic system needs organized defense and that the Republican party has selected itself as its official defender may prove ultimately to be a decisive gain for the Progressive cause. In the past the great majority of Americans have assumed that their institutions did not need defending. Yet the division of the responsibility for government between two parties, neither of which would consider challenging any of its fundamental practices and machinery, provided an actually impregnable defense. If one party did become the victim of a progressive aberration, such as overtook the Republicans in 1912, the other party could sail serenely on, win the election and fearlessly extract the sting from the Progressive hornet. The leaders of the Democratic party, when they nominated Davis, hoped to repeat this performance in 1924, but the voters threw their calculations out by conceding the reality of the issue raised by La Follette between progressivism and conservatism. The Democracy not only did not win back the votes which it lost in 1920, but it suffered from still further secessions. The secessions were not so large as many Progressives expected, but, coming as they did after the disaster of 1920, they raise the question whether the Democracy is capable of providing the vigorously progressive opposition which a triumphant standpat Republicanism will demand.

The Progressive agitation, consequently, although it has failed emphatically to win the confidence of the American people during the recent campaign, has, it seems, modified the outlook and the function of the Republican party. It has committed that party to its support of plutocracy and placed the plutocracy itself on trial. The question of the adequacy of government by and for business and its effect on the welfare of the American people has broken through the barriers into the arena of party politics, and there we believe it is bound to remain—the chief bone of contention. The Progressive success in provoking so many million American citizens to ignore the sacred party loyalties and allow their votes to be determined by conservative fears and economic purposes has resulted for the moment in an overwhelming endorsement of the business man's state, but there are other elections to follow. The trial will be continued, and sooner or later, the verdict will be reversed. The only really safe part of a political system is the part which is not exposed to the hazard and the challenge of an election. Government by business in America, like the imperial government of Napoleon III in France, now derives its authority not from effective general consent but from a plebiscite in which millions of citizens were scared or fooled into voting affirmatively. The day will come when it will fall by a plebiscite. The voters when they lose confidence in the Republicans as, by the essential conditions of the game of party politics, they must eventually do, will, as a consequence of the election, also be disgusted with the business man's government whose interests the Republican party frankly represents.

Patient Progressives can, consequently, look forward to the direct and indirect consequences of the Republican victory not, of course, hopefully or cheerfully but certainly with a reasonable anticipation of future compensation. If the Progressive protest is as necessary as they think it is, and their analysis of the sickness of American industrialism is correct, they can await the ultimate turn of the tide with confidence. The matter of most importance for the wholesome functioning of a democracy is not the exercise of political power by any one party, no matter how sincerely or intelligently you or we may believe in its superiority to its rivals. The thing which is of most importance is the exercise of the power of government by a party which has obtained a clear expression of popular approval, which knows its own mind about the leading issues of the day, which proposes and is capable of putting into effect a definite policy, which is willing to risk its credit on the success and popularity of that policy and which is held strictly responsible for the result by its own supporters and public opinion in general. It is long since the American nation has enjoyed a government of this kind. At a time when our people, as a consequence of the pressure of economic forces, were splitting up into economic groups, the Democratic and Republican party politicians have consistently tried to ignore the existence of such groupings and to prevent fundamental economic questions from being seriously discussed or from determining the outcome of presidential campaigns. The recent election has, we believe, done something to change this. It has helped to make the dominant party officially aware of the economic realities of

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American life, and of the possible alternatives in policy which those realities are forcing on political leaders, and of the alternative which the Republicans must represent and defend. The millions of voters who were scared or tempted into supporting Coolidge on the assumption that government by and for business was necessary to the prosperity of all the different economic groups and the safety of the Republic will watch the attempts of the Republican administration to redeem its promises and compose the economic conflict by allowing business even a freer hand with unprecedented curiosity, suspicion and vigilance.

The more affirmative position which the Republican party has assumed under the leadership of Messrs. Coolidge and Mellon in favor of government by and for business is primarily the expression of the increasing power and sense of superiority of the business interests of the country. Business men of all kinds, big and little, urban and suburban, reenforced by the millions of their dependents in the professions and in the administrative services, have become more conscious than formerly of their class interests and of the need of defending them. But it would be a mistake to infer that, because business men as a class have been awakened to the exclusive character and to the precarious position of their common interest, they have also become more convinced in their conservatism. A conservatism that has become conscious has begun to decay. The increase in class consciousness is accompanied by an increase also of cynicism. The American people of all classes as the result of their experience of the last ten years are suspicious, uneasy and sceptical to an extent which they have never been before. A vote for Mr. Coolidge meant for millions of citizens the expression not so much of a reinvigorated faith as of a new doubt. Only a few of them, of whom Mr. Coolidge himself is one, still believe in the manifest destiny of the American system to promote automatically the greatest happiness of the greatest number. They have lost their former conviction without substituting anything positive in its place; and in their ignorance and doubt they voted for what they took to be their interests and the best chance of social stability. But in their own souls there is no stability. Their uneasiness and scepticism will make them for the time being in some respects censorious and in others credulous, in some respects fickle and in others obstinate. In the end as a consequence of becoming more conscious of their political processes, they will gradually adjust themselves to the facts of their new economic environment and will become better prepared to call their political leaders to account for the success or failure of the national economic policy. This outlook may or may not console many Progressives for their overwhelming defeat at the polls this year, but if it proves to be true, it may prove to be decisive in favor of the ultimate triumph of the Progressive cause.

Injunctions and Contempt of Court

THE election is over and the Supreme Court will more than ever be with us. Unfortunately, the reckless obfuscation of the terribly serious issues of judicial review, under our constitutional system, to which the country was systematically subjected by such influential lawyers as Charles E. Hughes and Attorney General Stone makes it more than ever difficult, but increasingly necessary, to bring public opinion to an understanding of the function of the judicial process, and its wise limits, in constitutional controversies. More than ever will discussion of the part that the Supreme Court plays in our national life, or ought to play, encounter bigotry and bogeys. More than ever do we conceive it to be essential to submit constitutional decisions to the continuous comment of dispassionate and informed study. Such a critique is as indispensable for the Court's own security as it is for the protection of those liberties which are the professed objects of the Constitution. We are laboring the obvious. But the obvious has been much obscured by the wholesale instilling of ignorance and passion. The admonitions of Mr. Justice Brewer have especial timeliness:

> It is a mistake to suppose that the Supreme Court is either honored or helped by being spoken of as beyond criticism. On the contrary, the life and character of its Justices should be the objects of constant watchfulness by all, and its judgments subject to the freest criticism. The time is past in the history of the world when any living man or body of men can be set on a pedestal and decorated with a halo. True, many criticisms may be, like their authors, devoid of good taste, but better all sorts of criticism than no criticism at all. Such critical watchfulness is the basic corrective for the abuses of judical power.

All this we say preliminary to approval of a particular opinion and not in fault-finding. We refer to the recent decision of the Supreme Court sustaining the requirement for jury trials in criminal contempts. The far-reaching significance of this decision may be realized if we contemplate the implications of a contrary result. If the Supreme Court had invalidated the provision of the Clayton Act which was at issue, as it might easily have done, it would have meant, in effect, that the power of a single judge to determine whether or not there was a wilful infraction of an ambiguous and complicated injunction issued by him, the time and manner of punishment for such infraction, the extent to which the judge's findings might be reviewed, all were questions that reside in the very nature of a federal judge, beyond limitation or regulation by Congress. These were in fact the conclusions of a most powerful Circuit Court of Appeals in an opinion written by a very able judge. These conclusions,

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we have said, might easily have been reached by the Supreme Court itself. For there are no provisions in the Constitution which by their terms or in their implied history compelled one result rather than another. In other words, the Supreme Court in the problem of interpretation which was here presented was restrained *not* by the Constitution but by the meaning, determined by its own wisdom, which the Court gave to the Constitution. In deciding this case the Court was not taking something out of the Constitution but was putting something into it. All that the Constitution had to offer was the following: "The judicial power of the United States shall be vested in . . . such inferior Courts as the Congress may from time to time ordain and establish." But "judicial power" unlike "jury" or "grand jury" is not defined by history or precedents. What is included or excluded by "judicial power" is for the Supreme Court to say. The Circuit Court of Appeals held that "judicial power" "inherently" includes the summary power of a single judge to decide what constitutes a violation of his injunction, who is to go to jail for it, and how long he is to stay in jail. Fortunately, the Supreme Court held the opposite; it decided that "the attributes" which constitute a court do not prevent Congress from providing a customary jury trial for ascertaining the facts of what are in substance criminal offenses.

Sterile logic, that is, argument from abstract premises unrelated to the brute facts of life, permitted one conclusion as readily as another. The Constitution, we cannot repeat it too often, on this particular subject of the control by Congress of the power of courts to throw into jail for contempt, contained a vacuum. The vacuum made room for the Court's notion of wise statesmanship. What led Judge Baker and his associates to assert the unrestrainable power of the individual federal judges, what led the Supreme Court to sanction congressional restraints upon such judicial autonomy, are beguiling themes for speculation. It is idle to wonder whether the revived criticism of the Supreme Court in the fields that permit of capricious exercise of discretion may not have had their subtle reflex in the present decision. Certain it is that the impregnating atmosphere of public opinion in regard to the essentially political functions exercised by the Supreme Court has in the past been known to penetrate even the conference room. Suffice it to say the Supreme Court's sanction of the power of Congress to impose reasonable restraints upon the terrible power of courts to commit for contempt is a decision of the highest moment not only in its immediate consequences, but also because it is a most illuminating illustration of the enormous play of discretion open to the nine men at Washington.

The judicial practice of summary punishment for contempt has a long history of abuse on both sides of the Atlantic. In the past this power of the courts came into conflict with the freedom of the press. It had political and personal phases. Not until recent days did the Court's power over contempts emerge as one aspect of our most contentious economic controversies and implicate the courts in the social-economic struggle. For "contempt of court" is the instrument for enforcing an injunction; the threat of jail at the hands of an injunction-issuing judge is the Damoclean sword above the injunction, and the bottom explanation for the growth of injunctions as a recognized strategy in breaking strikes.

Now injunctions in labor disputes are recent phenomena. They definitely appear in 1888, and as late as 1896 the then Chief Justice of Massachusetts still spoke of injunctions in labor cases as "a practice of very recent origin." The injunction in the Debs case of course gave the practice vigorous momentum. It reached its high-water mark in the excesses of the Daugherty-Wilkerson injunction. Although the whole practice was built on established lines of equity jurisprudence, in their application to the field of industrial controversy precious traditional interests of human freedom, affecting great masses of men and women, were seriously imperilled. For the acts which injunctions seek to restrain in industrial disputes necessarily involve disputed questions of fact, and disputed questions of fact intimately touching men's feelings and motives and opinions. Probably no series of cases reveals such earnest conflict of testimony and of the interpretation of conduct as is disclosed by the records in labor cases. The difficulties are intensified through the extended use, in this country, of espionage and "under cover" informants. The ordinary safeguards attending the terms of an injunction in cases other than labor disputes are largely frustrated in labor cases, because of the terms in which a labor injunction is couched, the usual manner in which it is initiated, the conduct to which it addresses itself, the atmosphere and ambiguities through which it is vindicated. A detailed study of labor injunctions in the federal courts during the last thirty years will disclose a steady extension from carefully limited injunctions in earlier days to sweeping orders granted almost pro forma, as was true of Judge Wilkerson's allowance of Daugherty's restraining order in the Shopcrafts Strike. The matter was thus impressively put by Judge Amidon in refusing to do what Judge Wilkerson did:

> Neither the restraining order nor the preliminary injunction prepared by counsel was signed by the court. During the thirty years that courts have been dealing with strikes by means of injunctions, these orders have steadily grown in length, complexity and the vehemence of their rhetoric. They are full of the rich vocabulary of synonyms which is part of our English language. They are also replete with superlative words and the superlative phrases of which the legal mind is fond. The result has been that such writs have steadily become more and more com-

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> plex and prolix. All of this, it seems to me, is foreign to their legitimate purpose. . . . Injunctions are addressed to the laymen. They ought to be so brief and plain that laymen can understand them. They ought to be framed in the fewest possible words. The order should not express the bias or violence of a party to such a controversy or his attorney.

The traditional Anglo-American method for ascertaining such disputed facts as are necessarily involved in an accusation of disobedience to an industrial injunction is jury trial. But for historical reasons, in equitable proceedings, out of which injunctions arise, issues of fact as of law were tried by a judge sitting without a jury. As a result, charges of violating the complex and prolix injunctions to which Judge Amidon refers, with all their verbal traps, were not only heard by a single judge sitting in judgment upon his own injunction, but were sometimes heard merely on affidavits, without the opportunity of confronting or cross-examining witnesses. The judge alone would pass on guilt, and men found guilty of contempt were committed at the same judge's discretion, without either a statutory limit upon the length of the imprisonment, or the opportunity of effective review by a higher court, or the right to release on bail pending possible proceedings on appeal. In the language of Mr. Justice Brandeis, "The effect of the proceedings upon the individual was substantially the same as if he had been successfully prosecuted for a crime; but he was denied, in the course of the equity proceedings, those rights which by the Constitution are commonly secured to persons charged with a crime."

The social justification of the jury system lies precisely in its element of popular coöperation, with the resulting public confidence, in the enforcement of law. And in the most sensitive field of social policy and legal control, the industrial dispute, this popular participation was ruled out through an argumentative, and intrinsically inappropriate, extension of equity jurisdiction. For the equity powers which modern industrialism has called forth revealed the vast dangers of abuse latent in the old unrestricted opportunity to punish for contempt. The subtle difficulties to which the most conscientious judge is exposed in exercising this power have been indicated by Chief Justice Taft: "The delicacy there is in the judge's deciding whether an attack upon his own judicial action is mere criticism or real obstruction, and the possibility that impulse may incline his views to personal vindication are manifest." These dangers have aroused important professional and public concern ever since the Debs case. Since 1896 efforts have been active in Congress, initiated by some of the most important public men, to deal with this abuse by introducing the great safeguard of the jury for establishing disputed questions of fact when the accusation of contempt was in effect an accusation of crime. This movement finally translated itself into law, in 1914, by a provision of the Clayton Act. And now after ten years the law is sustained. The difficulty which had to be met was an argument, based on alleged English legal history, according to which the vindication of the court's dignity, offended through disobedience of its orders, lay in the judge's own hands through his discretionary punishment of his contemnor. This history, it was urged, had immemorial sanction at the time the Constitution was established and "inhered" in the very conception of an Anglo-American court. The argument did in fact prevail in some of the state courts, and had behind it a powerful appeal for adoption by the Supreme Court. As a matter of fact the history that was invoked was fiction, a fiction based upon the abuses of Tudor and Stuart judges. Judge Baker and his colleagues read these discredited English abuses into the Constitution of the United States. Happily the Supreme Court has kept them out.

There is much to be thankful for, then, in the decision. But the root of the matter still remains—the use of the injunction in industrial disputes. In his address before the American Bar Association last summer Senator Pepper challenged the whole use of labor injunctions, particularly by the federal courts. There are serious constitutional difficulties involved in any attempt to abolish the labor injunction, but it will be time enough to consider these after the intrinsic wisdom of changing our whole policy in regard to the use of injunctions in labor cases is frankly faced. The New Republic is unequivocally committed to this reform, for the sake of the courts as well as in the interest of wise industrial adjustments. There is no reason in so-called expediency for continuing our disastrous history with the injunction. So far as unions are responsible for wrongful acts civil redress by the employer can and should be had through action for damages. So far as acts of violence are concerned the resources of the state are ample in the criminal law—if the criminal law be made effective. The defects of our criminal law cannot be avoided through abusive use of the injunction. And if history be any guide, the abuse of the injunction in labor cases will cease only by the discontinuance of its use.

THE NEW REPUBLIC

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HERBERT CROLY, PRES., ROBERT HALLOWELL, TREAS.,
DANIEL MEBANE, CIRCULATION MANAGER

EDITORS

HERBERT CROLY BRUCE BLIVEN ROBERT LITTELL
ALVIN JOHNSON R. M. LOVETT

CONTRIBUTING EDITORS

JANE ADDAMS JOHN DEWEY R. H. TAWNEY
DAVID FRIDAY H. N. BRAILSFORD LEO WOLMAN

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Emerging American Philosophy

THE search for answers to the question "what has happened to the modern world?" occupies the attention of most earnest thinkers. Facile though pessimistic responses issue from the various departmentalized spheres of life: there are no great leaders; all forms of authority have been emasculated; values have been lost; representative government is moribund; nationalism is defunct; religion is obsolete; industry dehumanizes; machines drive us onward, but whither? Truth resides in these partial answers—negative truth. The synthesis of the sum of these negatives results in a composite photograph of maladjustment. Nothing appears to fit. The world as a mechanism is out of gear. The human factor in the mechanism, if the dominant expression of the age is to be believed, is particularly and pitifully out of gear. There is indeed much need of philosophy. But what sort of philosophy can arise from the sombre mists of what seems to be a decaying civilization? Realism only adds to the already chilly atmosphere. Idealism is disillusioning to all save those few spiritually isolated souls who no longer meet the modern world on fair and frank terms. And man cannot live by pessimism alone.

American life has twice been invigorated and vitalized by indigenous philosophies. Puritanism represented both a way of life and a philosophy, and in so far as behavior and its rationalization were in harmony, the result was a progressive civilization. The free will of the individual, in spite of its rigorous external appearance, did represent a species of freedom. The good were good and the bad were bad knowingly. Life went forward with boldness and assurance and if it shed no by-products of observable beauty, there was beauty of a kind within. Both the physical environment and the state of social organization were fit soil for this hardy plant of Puritan individualism. For its time, Puritanism was an acclimatized philosophy and a satisfying way of life. But the soil and the climate, sociologically speaking, of American life have changed. Puritanism, to those who live within the confines of the Zeitgeist, is now seen as a weather-beaten, limb-shorn tree standing on a rocky knoll without the forest. Its roots are still alive but it bears no fruit.

Pragmatism, the second of the great American philosophies, if it is plant at all, is an aërophyte growing upon trees but gaining its sustenance from the air. But even orchids belong where they grow and pragmatism is indigenous to a particular phase of American life. If it possesses no true roots, it nevertheless grows and is much prized for its luxuriance of color and form. The above is written in the present tense although there are abundant evidences that pragmatism is no longer in active ascendancy; events since 1914 have conspired to denude it of its simplicity and hence its charm. Pragmatism, as a way of life as well as a philosophy, suited an age which was immoderately interested in going and blissfully ignorant of where it was going. We now see, in part at least, that we were going toward destruction. The margin by which we were saved is precariously narrow and is symbolic not of creativeness but rather of fatigued peace. The activities which engrossed our energies before and during 1914–18 appeared to lead toward success; to the actors they also seemed rational. We now begin to see that rational success, or rather a rationalized success, may bring forth an irrational world. Pragmatism was the joint product of a rapidly developing science and an ensuing technology grafted upon an immature psychology. Its relation to the so-called practical business sector of life was explicit and true-born. Its relation to the whole of life has hitherto remained implicit. The pragmatist was not wrong; he was merely partial. He envisaged one aspect of the on-going life correctly and what he saw was doubtless the dominant aspect of the life which surrounded him. He saw the futility of principles accepted in advance of activity and in so far as his philosophy shifted attention from static principles to dynamic activities, he added virility and assurance to life. In making this emphasis, the pragmatist was on sound psychological ground.

Philosophies do not live and die. They live forever as cross-fertilizations in the varieties of new species. One never knows when an apparently obsolescent strain will reappear as the dominant trait of what is sure to be known as a "new" philosophy. America has not done for good and all with Jonathan Edwards, and the fertilization of thought precipitated by the rare genius of William James may be at the beginning of its fruition. Puritanism and pragmatism are destined to be potent components of whatever philosophy emerges as the "new." Modern psychology, which must always be the sounding-board for philosophy, is producing evidence which reaffirms the validity of both Puritanism and pragmatism. It is, of course, bad form to mention the freedom of the will, or even the will, in modern psychological circles, but we now have instincts, desires, and drives which serve equally well to give significance to the individual. Collectivism is no longer considered to be an ultimate good or end of life, but rather a means for self-fulfillment. The Marxian dogma, chief bulwark of modern collectivist theories, which was so far in error on its prophetic side, is rapidly evaporating even as a theme for serious intellectual discussion.

The pragmatist's insistence upon the adequacy of the "behavior-before-principle" formula and his willingness to have life thus go forward experimentally is also reinforced by modern psychology.

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In fact, the current emphasis in both psychology and philosophy may be said to be in the direction of a superpragmatism. Activities are to be evaluated, not in terms of their rational ends, but rather in terms of activities themselves. No end is to be held sufficiently worthy to justify a means; ends are to be invested with integrity only as they are justified by adequate and rational means. The chief defect of the older pragmatism was its rationalization of results. The newer pragmatism rationalizes means (activities) and accepts results for what they are, namely, results. This constitutes a more direct approach to scientific method.

Philosophies are in themselves rationalizations of assumptions or of facts. One of the central facts of modern life is the general disintegration of authority and at least one of the logical assumptions to be induced from this fact is that modern man is being impelled by a desire for freedom from determinisms—"a new impulse toward spontaneity, self-expression and self-determination, or to live again from within outward." The new philosophy, then, if it is to harmonize with this assumption, will be a philosophy of emancipation. It is still unformulated and perhaps its alliance with scientific method will preclude systematic formulation, but some of its nascent qualities may be discerned.

The emerging philosophy of our time will not be concerned over the mind-body problem. Its approach to human nature will be the approach to a psycho-physical entity in which any separation of mind from body will be regarded as sheer mysticism. Man will be observed as a behaving organism in a continuing process of adjustment to his physical and social environment. The adjusting process will be viewed, not as the organism acting upon the environment, or vice versa, but rather as a process of interaction in which all factors of the adjusting process undergo modification.

Emphasis will be placed upon means, not ends. "End-gaining" will come to be seen as an inhibition to the discovery and invention of appropriate means. The dogmatism of ultimate ends and static principles will be replaced by a fluid and evolutionary concept of means—means which create their ends. Only through this process can the modern world rid itself of stifling and fictitious allegiance to collectivities. Institutions such as church and state will be viewed, not as ultimate objects of loyalty, but as evolving means for individual fulfillment.

The new philosophy will carry onward its recent rapprochement to science and scientific method. If it announces principles, these will be in the nature of scientific hypotheses which may be acted upon within defined areas of fact. If introspection is utilized, it will need to be a new form of introspection validated by a method which scientists will accept. The principles will be empirically derived.

In relation to everything that is, the new philosophy will be realistic, and in relation to all that may be, it will be idealistic. Its realism will not close doors to the future and its idealism will not act as a barrier to the search for new experimental facts. Pragmatism will not be a dead-end of fact but a gateway to prophecy, for it is only through prophecy that the desire for fresh means will be kept alive. The new philosophy will not lull us to sleep in a safe bark drifting upon a placid lake. On the contrary, it may place us in the midst of a flowing stream where every resource of human nature will be needed if the stream itself is not to engulf us. And, if we should become courageous enough to live by the new philosophy, we would no longer be baffled into pessimism by unattainable ends; we could take possession of the only optimism true to our legitimate aspirations, namely, the optimism of a richly potential life in a world of unlimited means. Conflict itself, the necessary corollary of adjustment, might come to be seen as a cumulative and creative opportunity.

The new philosophy will not, obviously, be a product of academic hothouses. It has already been endowed with too much robustness and vigor to thrive indoors. Academic thinkers of the Dewey, Holt, Overstreet, Meiklejohn, Cohen and Kallen type, who have already so far divested themselves of confining scholasticism as to become active participators in life, will be among its literary spokesmen. Journalists of a new order will add their significant contributions to such independent thinkers as Mary P. Follett and Mary Austin. These will be among the interpreters and clarifiers of the new philosophy, perhaps the refiners of its raw products. Its active, directing ingredients are likely to be found on those levels of life where thinking itself is considered a luxury. The experimental laboratory of the emerging philosophy will be the world of necessary activities. For our time it may remain a nameless stream fed by homely creeks and rugged ditches, but a stream which has both source and outlet.

E. C. LINDEMAN.

Jewish Lullaby

Husha, o husha,
And lull-lullaby;
No mother in Russia
Is prouder than I.
You stumble no longer,
Soon you will run;
And you will grow stronger
Than Samson, my son.

You will be famous,
Your thoughts will go wide;
Isaiah and Amos
Will walk at your side.
Your words will be graven
In metal and stone;
And the Great Ones in heaven
Will envy my son.

LOUIS UNTERMEYER.

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Adult Education in England

WHEN the social history of England during the first quarter of the present century comes to be written, one of its most important chapters will be concerned with educational reconstruction, and in that chapter a prominent place will belong to the movements devoted to adult education. In the course of the present year there have been several indications that they have reached, if not maturity, at least a stage in their career from which it is possible to survey the ground which has been traveled. For one thing, the Workers Educational Association, the largest and most representative of the organizations at work in this field, has just been celebrating its twenty-first anniversary. For another, the Board of Education, which has always been both intelligent and generous in offering financial assistance, has this month considerably increased the grants which can be obtained by classes of adult students. In the third place, there is a growing educational ferment in the labor movement, and the Trade Union Congress has recently appointed a committee to make recommendations as to the provision of increased educational opportunities for Trade Unionists. Adult education has in fact caught the public imagination. Naturally, there is still an immense field which has not been cultivated. But the idea has come to stay, and the organization needed to give it practical effect is steadily developing.

In its present form, the movement is the product of the last twenty years, and when it first started scepticism was common. The students, its pioneers were told, did not exist, and such as there were demanded popular lectures, not continuous and intensive work. To the first criticism the growth of the movement is a sufficient answer; to the second, the verdict of almost every educationalist who has been brought into personal contact with it. The Workers Educational Association, though the largest, is merely one of several bodies concerned in the work. But in the tutorial classes lasting for three years which it organizes in conjunction with the universities there are at present some 8,000 students, and in the shorter classes, lasting for one year, there are over 1,500: while if courses of lectures and study circles be included, the total number of persons who come under its influence is probably not far short of 50,000. Apart from the Workers Educational Association, there is Ruskin College, which was founded in 1899, and which does valuable work in providing education for trade unionists and coöperators who come into residence there for from one to three years. There are several more recently established colleges for adult students. There is the educational work of the Coöperative Movement, which from the very beginning has had an educational side and which has recently developed it with renewed vigor. There are the classes conducted by the Council of Labor Colleges. And there is much miscellaneous work carried on by bodies such as the Adult School Union and the Association of University Settlements.

The causes which have made all this educational activity possible cannot be reduced to any single formula. Lord Haldane spoke of the movement in his presidential address to the Adult Education Institute, as the product of a new demand for liberty and equality; and one element in it has been the social ferment of the last twenty years, intensified, indeed, by the war, but antecedent to it. There may be nations—as there are everywhere individuals—who seek education because they are moved by a disinterested passion for knowledge. In England, at least, the history of educational progress has been different. It has usually sprung from the desire of some group or generation of men to solve the practical problems with which they were confronted, and they have sought to express in the organization of education their social values or aspirations. For that reason education has been a ship which usually sailed best when the weather was stormy, and it is not a chance that it has laid hold of the imagination of adults at the same time as they were being introduced, through the growth of the labor movement, to the idea of new possibilities of social reconstruction. Its aim has not been merely to strengthen what is called, in a detestable phrase, happily less fashionable than it was, "the educational ladder," or to select special capacity for intensive cultivation. It has been to bring a liberal education, based on history, political science, economics and literature, within the reach of manual workers who will remain manual workers all their lives, and who need it both to develop their own personalities and to enable them to play a more effective part in the movements in which they are interested. It has been, in short, to make higher education as universal as citizenship, because one of the conditions of good citizenship is higher education.

Without that strong stream of social aspiration behind it, the Adult Education Movement could not have grown to its present dimensions. But neither could it have done so except by establishing close and friendly relations with bodies, such as universities, local education authorities, and the Board of Education, which command the resources of personnel and money needed to give practical effect to its aims. One lesson of the movement, as far at least as the Workers Educational Association is concerned, is that success is not only best deserved, but is also most likely to be achieved by a movement which aims at reaching high standards. The older University Extension Movement (though it did good work in its day) tended to provide lectures

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rather than to demand intensive work, and except here and there, it never really met the working class demand. The Workers Educational Association requires the students in its tutorial classes to attend for three years, to do paper work, and to carry on systematic reading; and the demand for new classes far exceeds the resources available for meeting it. And it is because the standard is high, because in the words of the Board's regulations it is comparable to "university work on an honors standard," that the movement has won its way with the universities. At the present time every university in England and Wales coöperates with the Workers Educational Association in conducting tutorial classes. The classes are managed by joint committees, normally composed of an equal number of representatives of the university concerned and of representatives of labor organizations. The cost, which is considerable, is met partly from the funds of the university—Oxford, for example, pays roughly half the cost of its classes—partly from the Board of Education and from local education authorities, and only a nominal fee is charged the students. The subjects studied vary greatly, according to the taste of the class with whom the decision rests. But they all belong to the sphere of what—to make the convenient if ambiguous distinction—may be called humane or liberal, not professional or technical, education, and taking the movement on the whole the sciences concerned with society, history, economics or sociology predominate. The students are overwhelmingly manual workers. In practice, since the men and women interested in education are naturally also the men and women who are interested in public questions, the backbone of them consists in most places of the keen young trade unionists.

Nothing is more difficult to appraise than the direct effect of education. The teacher casts his bread upon the waters and if found at all it is usually found by some one else. But good judges have described the Adult Education Movement as the most important educational contribution made in England in the past generation, and the verdict is not, perhaps, extravagant. Apart from its imponderable influence on the lives of individuals, of which only the individuals concerned can speak, it has been followed by social results of some importance in three different directions. In the first place, it has done much to supply the world of organized labor with the educated personnel which it needs if it is to discharge its immense responsibilities. Employers and business men usually insure that the officials whom they employ to negotiate for them or prepare their case have some training in the handling of economic subjects. British trade unions have, on the whole, been very efficiently served. But, clearly, the more general the diffusion of educational facilities among their members, the more effective as organizations they are likely to be. In the second place, it has had a less obvious, but hardly less important effect on the universities. All of them now regard adult extra-mural education as a normal part of their work, and in all of them, a considerable proportion of the younger staff spend some years in coöperative study with working people. The effect can hardly be other than to bring a new range of experience into academic life and to widen the horizon of teachers who are dealing with social subjects. In the third place, the movement is altering the whole attitude toward questions of educational policy. Education is one of the causes which in the past have been caught, at least in England, in a vicious circle. To be enthusiastic about it, men must have experienced it; but when a dozen different objects are competing for public money and for the attention of politicians, they will have little chance of experiencing anything but a shoddy substitute, unless they are sufficiently enthusiastic about it to insist on obtaining the genuine article. The new feature of educational discussion in England in the last ten years is that the criticism on the deficiencies of our existing educational system, and the demand for more and better educational facilities has come, in the main, from working people themselves. Not the least important element in generating the educational enthusiasm which has made possible the considerable steps forward taken by the present government has been the existence of a body of enthusiastic and enlightened opinion on matters of educational policy which has been brought into existence by the adult education movement.

R. H. Tawney.

The Canadian Experiment

Senator La Follette in discussing the railroad situation during the campaign has made frequent references to the government-owned lines of Canada. In reply, Republican and Democratic spokesmen pointed to an alleged annual deficit of fifty to sixty millions. A clear understanding of exactly what has taken place in Canada should be of some value in considering the current attacks upon the Esch-Cummins Act, and the increasing demand for more rigid control of the American lines.

A recent and extended tour of the Canadian National Railways, and a rather close acquaintance with the history of the various lines that compose that system, have impressed the present writer with the desirability of making certain facts known to those who suffer—both financially and physically—from existing conditions in the United States.

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Canada did not undertake government ownership gladly. The House of Commons has opposed such proposals with a vigor second only to that of Congress. But the extraordinarily foolish fiscal policy of the late Borden administration together with the complete collapse of certain privately owned railroads under the stress of war conditions have forced the Ottawa government to undertake the management of the largest single railroad system in the world today. The story can be briefly told.

Canada's first railroad was built, owned and operated by the government. This line, the Intercolonial, joined the Maritime Provinces with Canada proper, and was constructed in fulfillment of the terms under which Nova Scotia, New Brunswick and Prince Edward Island entered Confederation. Born of politics, it has never been weaned.

The Canadian Pacific Railroad, the first great transcontinental, was constructed by a combination of governmental grants, political graft, and the ability of its private owners. From the first it has blossomed with dividends, and it today holds an almost unrivalled position in the railroad and shipping world. It has had immense political power.

The success of the C. P. R. stimulated imitation, and the Grand Trunk, an old and solid Eastern institution, founded the second transcontinental, known as the Grand Trunk Pacific. This line, completed in 1914, failed to pay even its operating expenses and in its collapse involved the parent road. Almost coincidental with the building of the Grand Trunk Pacific, the notorious politico-financial firm of MacKenzie and Mann was at work on the construction of yet a third transcontinental—the Canadian Northern. This line had originally been a highly successful grain route, ending at Port Arthur on Lake Superior. Lured into the transcontinental game, the Canadian Northern also proved a complete failure—in spite of federal, provincial and municipal aid to the frenzied promoters.

By 1916 the Borden government was advancing funds to the Grand Trunk and the Canadian Northern in an endeavor to prevent an utter collapse. Yet private management continued, the Conservative majority at Ottawa refusing to admit the necessity of federal interference. Deficits accumulated, operating standards fell, wages were low, and still the Conservatives made grants, issued loans, and guaranteed railroad bonds.

When the war pressure ended in 1918 the Liberal and Progressive parties combined to force the government's hand, and a Board of Directors appointed by Ottawa was placed in charge of both lines. MacKenzie and Mann, well paid, gave up without a struggle, but it was not until 1920 that the private control of the Grand Trunk was finally broken. In that year, due to the thoroughly disastrous results of private enterprise, the Canadian government found itself in control of the following railroads, in all 22,646 miles in length:

Grand Trunk	3948 miles
Grand Trunk Pacific	2840 miles
National Transcontinental (part of G. T. System)	2007 miles
Canadian Northern	9259 miles
Intercolonial	1593 miles
Miscellaneous	2999 miles

This total represents an investment of $1,620,000,000. For all practical purposes this consolidation reduced the Canadian railroads to two major systems: the privately owned C. P. R. and the newly organized government road, the Canadian National. The latter was slightly larger than the Canadian Pacific.

Few railroad boards have undertaken a heavier burden than that presented to the directors of the amalgamated lines. Fixed charges, due entirely to the mismanagement and extravagance of private ownership, amounted in 1921 to approximately $64,000,000. During that year operating expenses exceeded revenue by $16,093,902—a total deficit of $80,000,000. The task of the directors was made more difficult by the existence of duplicate lines in territory that could barely justify the operation of one. Terminal facilities were likewise duplicated in many centres.

The Liberal government of MacKenzie King, urged on by the Progressives, reluctantly but in good faith took up the burden. Sir Henry Thornton, a railroad executive thoroughly trained in the United States and in war-time England, accepted the presidency of the system in 1922. He was guaranteed a free hand. On the Board, including among its members Tom Moore, President of the Canadian Trades and Labor Council, were represented all shades of political and economic thought.

Sir Henry Thornton outlined the objectives of his policy as follows: 1, the elimination of duplicate lines and terminals; 2, the building of "feeders" for the main lines; 3, the improvement of service for successful competition with the C. P. R.; 4, a campaign of advertising to interest the citizens in the use of "their own property;" 5, a development of pride and interest in their work among the operating and clerical personnel; 6, the payment of expenses—a balanced budget.

The first of these proposals has been most difficult of fulfillment, and loud protests have been made against the abolition or even diminution of service. Terminal facilities, however, have been largely coördinated, some lines have been abandoned, and a drive for settlers has been undertaken to justify the continuance of others.

The building of feeder lines has two phases. One consists in stimulating the oceanic and coast mari-

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time trade, especially the tourist traffic on the Pacific coast. The second is the building of branch lines to feed the transcontinentals. In its second phase this program met with some opposition in the Canadian Senate. For each branch line a bill had to be passed by the Commons and ratified by the Senate. The latter, a thoroughly useless and inane, though generally innocuous, collection of broken-down party hacks appointed for life, is very largely influenced by the C. P. R. and other special interests. Consequently when the Canadian National branch lines bills reached the upper house, these henchmen of privilege acting directly on the advice of counsel for the C. P. R. proceeded to vote down Thornton's proposals. Public opinion was immediately aroused and became so vigorous in its expression that the Senate finally recalled the bills and gave its assent. Had the Senate failed to do this the campaign for the total abolition of the upper house—a recurrent phenomenon in Canadian politics—might easily have accomplished its object. The position of the Senate is far from secure.

The improvement of service on the Canadian National has been phenomenal. It is quite generally stated that the C. P. R., heretofore the standard of excellence, has now been outclassed. In the trip referred to above the writer found in regular service on the Canadian National, in addition to all standard Pullman equipment, complete smoking rooms for women as well as men, excellent telephone and messenger service, a radio receiving set on each observation car (with programs from special C. N. R. broadcasting stations), and a dozen smaller conveniences nowhere else encountered. The same thing is true of the Canadian National vessels on the Pacific coast, where the government lines are distinctly better than their competitors. And beyond these physical advantages is the obliging and helpful spirit of the employes. The personnel has come to look upon the line as its own—a more competent or more enthusiastic group of employes can hardly be imagined. Decent wages, collective bargaining, and a sense of ownership have combined to produce this result. An example of this spirit is the recent offer of the executive officers of the system to pay one day's salary a month into a fund for the reduction of the operating expenses. This offer, if accepted, will cost Sir Henry Thornton $1400 a year.

The advertising campaign has also been a success. Wherever one goes throughout Canada the same interest in the national railways exists. It is safe to say that a decided majority of the traveling public in Canada prefer, and are willing to undergo some slight inconvenience if necessary, to travel by "Our Railway." In the propaganda to disseminate this idea Thornton himself has played a considerable rôle. His annual trip over the system is punctuated by addresses stressing the idea: "Travel by the Canadian National, and reduce your taxes." So successful has this missionary work proved that the president of the C. P. R. has publicly protested against it as unfair competition. (The same protest is heard also on the Pacific coast, where the government Dry Dock and Shipbuilding plant, doing its work at cost is able to underbid all competitors.)

But the supreme problem is, of course, financial. In 1921, as we have seen, the railways were still running behind both in operating expenses, and in reference to fixed charges. In 1922, the first year of reorganization, operating revenue covered operating expenses and gave a surplus of $1,880,512. For the first time in their history the budget of these lines—exclusive of interest charges—had balanced. The improvement continued in 1923. In that year the following condition obtained:

Operating revenue	$254,771,063
Operating expenses	234,535,000
Surplus	$20,236,063

The figures for 1924 are not yet available, but judging by the monthly return an advance as great as that in 1923 may be confidently expected.

There still remains the legacy of bonded indebtedness left by the private management of the original lines. These charges amount to over $60,000,000 a year, and it will not be until the system earns this amount annually that the burden will be entirely removed from the taxpayer. Sir Henry Thornton in July, discussing this matter in Vancouver, expressed the belief that over half of this sum could be paid by the railroad in 1924. It cannot be reiterated too often that this deficit is a result of private ownership and operation. Since the government took control, the lines have paid expenses for the first time.

In spite of the deficit, in spite of the competition, fair and unfair, of the C. P. R., in spite of reactionary opposition, the future is far from hopeless. As operating revenue increases, the fixed charges are being progressively reduced, and this is being achieved without the expedient of raising rates. The latter are, on the whole, distinctly lower than those of American lines. One authority has calculated that Canadian shippers are saved $35,000,000 a year by the difference in rates north and south of the border.

One successfully operated government road does not demonstrate that government ownership should be immediately and universally adopted. The Canadian experiment does, however, give the lie to the idiotic statements of those anti-La Follette politicians who have repeatedly assured us that government ownership will inevitably result in the collapse of transportation services, in political debauchery, and in economic chaos.

HUGH L. KEENLEYSIDE.

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Progressive Parents—Their Tragedy

WE are all very much in the same boat in respect to parenthood. In acute or less acute degree we share the joys and disappointments of one generation with the next. We are all fathers or mothers to the younger. It is however with parents in the usual sense that I deal, and with that portion of their tragedy which is concerned not with the cost of children—often a narrowed and cautious existence—but the fact that, whatever the cost, parents very frequently rear to maturity individuals who can bring them neither spiritual comfort nor the companionship on which they had counted. Companionship could be cheerfully foregone if altruism seemed worth while and the addition to the population good. But very often the addition is one the parents actually disapprove.

What is not commonly realized is that this is especially the doom of progressive parents, for though they are learning to lessen the cost of children, especially to the mother, they cheerfully accelerate the widening of the gulf between the two generations.

To illustrate, B—— was a progressive mother a generation ago, and is now the middle-aged mother of a grown-up family. B——, typical of progressive parents of her time, believed in the Froebel kindergarten system with its emphasis on play, freedom, and its minimization of corporal punishment. She believed in higher education for women, and their financial independence in vocations of their own choosing. She believed daughters should think for themselves, develop their individual talents and follow their own intellectual impulses, that they should, in short, be given opportunities and freedom. She believed these things and believed them hard, for had not she herself suffered because her parents had not these convictions?

She set out, with the initiative and vitality which had enabled her mother to raise eleven children, to secure these improvements for her own family.

"I do not wish my girls to go through what I did," she said, and therein hangs her tragedy, for what we "go through" makes us what we are.

She reasoned with her children instead of ordering them about, let them run where they liked and play with whom they liked; she filled them with her own ambitions which had been so thwarted. And the plan seemed to be working well.

Then came the children's adolescence and the set in of her own conservatism, and the plan was not working quite so well. Frequently she could be heard telling a child that she had never thought of addressing her parents in such a way, nor of contradicting, and in the child grew contempt for a pretense which exalted reason but would not argue.

Then came the young maturity of the children and a further settling back of the parents. The plan had obviously worked badly judging by B——'s complaints and even more eloquent silence. The situation is summed up in her protest, "Yes, I want you to be free, but *why* do you want to do *that?*"

We have here the phenomenon of a parent protesting at an alienation for which she is responsible since she provided her children with an environment which produced tastes different from her own. Freedom, to the average optimistic mother, means freedom to have the things she herself desired. But in reality it means no such thing. What the parent desired and was denied, what she thought ends of laudable ambition, the child is given without question, and consequently takes for granted as the accepted customs of his class. He feels that real living begins only where all this leaves off.

For instance if B—— has given her children the means of choosing their vocation, she may feel curiously baffled and shut out by the ones they choose, which seem so dull, intricate, unimportant, and which absorb her children to the exclusion of herself. She may be, say, a Christian Scientist, and her son may decide to be a bacteriologist, her daughter a writer of lurid sex-scandal for the newspapers. Or religious bias may be lacking and yet she may feel strongly that certain vocations are subtly unrefined and beneath her, yet her children choose them! She is, after all, the product of the mid-Victorianism she despised—and they are not.

This freedom works out in innumerable irritating ways. A parent nowadays needs to be as thick-skinned as a dinosaur! The companions whom sons and daughters prefer to their own family! The frank criticism they make of their parents' ideas, religion, even of their own training as children! B—— had not wished artifical respect, but she had somehow banked on her children having similar points of view. What seemed good and beautiful to her was so obvious—could her children fail to see it as she did?

Pass to F——, a widow who had expected to spend her declining days in companionship with her daughters or close sympathy with their married lives. Neither married, but the elder preferred to live in a primitive way on a ranch with a woman friend, and the younger chose solitude and poverty for the better pursuit of a poorly paid art for which she knew she had no special talent.

Should a middle-aged mother, loving comforts after long deprivation, be expected to put up with poor plumbing for such unnatural children? She returns sadly to her hotel, boasts of her daughters' achievements and secretly hopes they will return to normal living.

If these little matters cause sorrow what can be said of those which affect the parent's ingrained

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sex-conventions? L—— taught her daughter to be fearless and all that, but why does she want to go around unescorted at night?

This daughter makes her mother her confidante, and when, in her twenties, she asks the difference between a wife and a mistress, the mother is at first amazed at an innocence—or stupidity—so long preserved. She shows the legal distinction.

"But I mean *real* difference," says the daughter, "biological difference."

The girl thought there must be some perversion involved which explained the disapproval of mistresses in contrast to the honor accorded wives, and accounted for the illegality of the relation. A strange mistake, or a very natural one? The mother was speechless. "But," persists the daughter, "if there is no difference except a legal one, why is there the legal one?" The mother can only mutter generalities about home and children which she realizes will not apply in the cases to be immediately brought up, so she does something very silly. She reverts to authority, to the idea of perpetually established right and wrong. "Let me never hear of you being anyone's mistress, young lady!"

The daughter laughs and says, "All right mother, you shall never hear."

So much for the last generation of progressive parents. I am wondering whether the present one will come out better.

J—— is a typical progressive mother of today. The cost of motherhood will not be as tragic to her as it was to her mother for J—— has a better intellectual background to fall back on. Even with two small babies J—— keeps up vocational pursuits two or three hours a day, and has an alert interest in politics and literature. Middle-age will find her not entirely bored and useless, nor unadmired. But the other half of the parent's tragedy —the loss of the child in the alien adult—I wonder if J—— will be spared that.

J—— is very modest. She regrets this and blames it on her early training. J—— has good cause to condemn modesty for it prevented her taking a physical examination, and consequently she lost her first child. Modesty had defeated its very purpose—if its purpose may be vaguely connected with feminine interests and the survival of the family. So little J—— is not to be brought up modestly. Also, adds J—— "I am going to let her hug and kiss the boys all she wants. It is better protection than being a sweet, shy little thing."

Little J—— may be old-fashioned despite her mother, but if not, and if she practises the spooning her mother is so willing she should, is it not likely she will develop sex impulses earlier than her mother did, with the inevitable result of a naturally modest mother facing a natural hoyden with the old, old cry, "But at your age, I—?"

It will be a brief generation however that will have this conflict over modesty; the day when the flapper will be the progressive parent is near at hand. Also we are now in a transitional stage of feminine morality which will eventually work itself out. Women will get used to economic and intellectual freedom, will discover to what extent physical freedom is compatible with their total happiness and begin to subordinate sex and emotional interests, much as men have done these many, many years. The subject will become a complex practical problem which the individual woman must solve as best she can—instead of a dogmatic morality which she combats to give herself spiritual and intellectual exercise.

In simple, backward communities may be found generations of parents and children growing up in the same beliefs and customs. There may be, in such cases, long and satisfying companionship between the generations. But it is not to be hoped for elsewhere, except in the rare cases when child and parent have almost identical tmperaments. And it is not, I believe, to be desired. With its coming we would lose too much of the adventure, the creative, dynamic element in parenthood which gives it its modern appeal and glory, the challenge to create the unknown.

So we must continue progressive parents, though knowing we shall lose our children—lose them to something which may be bigger and better than the things we like and understand, but to something that is still foreign. One by one they look at us curiously, with eyes in which tenderness is not unmixed with pity or contempt; pass by the occupations, customs and religions we have put in a shining row for them, and set sail to the new country. And whether it is a good or a bad one, we cannot judge, we only know we cannot go there. Lucky are we, if we attain the perspective of one grandmother who said to her daughter:

"Always remember that mothers aren't important. They don't amount to much. They give their children life, keep them clothed and nourished, teach them manners and the fundamental moral things we have to have to get along at all. But the big things that count we do not give. What we give they keep forever, but they are unconscious of it, it is not a live force. The inspirations that will grip and shake them must come new and fresh. The ideas for which they will give their lives will not be ours. They will get them from teachers, books, friends, from those they fall in love with, not from us. Take motherhood easily, casually, as the animals do. Don't expect too much of it, and don't be easily hurt. It doesn't amount to much."

With such counsel in our still unbelieving ears, we progressive parents return to what occupations are left us when our children sail for the new country. At any rate their going was inevitable, even as was ours before them, and in the sense of having seen and accepted the way of life comes our consolation as we drift into serene, cosmic-minded old age.

MARGERY SWETT.

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Now It Can Be Cold

BY noon of November 5 a large section of Woppington's population had called upon Elmer Durkin to pay its disrespects. Republicans met Democrats in perfect amity as they rejoiced over the downfall of Elmer's candidate.

"They've buried the hatchet—in me," said the newsdealer. "If they were pulling a contest today for the most popular gink, I'd win under wraps."

"I wish I knew who the other guys were that voted for La Follette in this town. We ought to hire a nice, roomy telephone booth and stage a mass meeting."

When the early morning editions of the evening papers reached Woppington, Elmer was in a chastened mood.

"Calvin Coolidge," he said to Editor Riland, "seems to me the saddest imitation of a statesman we've had up to yet." He pointed at the latest estimate of the popular vote. "Fifteen million! Are they all dumb bunnies or am I?"

"The I's have it," Riland replied. "They voted for prosperity."

"It's all right so far. Today I can sell anything. Every simp that blew in to wise-crack me kicked in for a paper."

"Those who came to scoff remained to pay," said the erudite editor.

But Lem Beale, an ex-postmaster with every prospect of remaining one, was low in his mind.

"The people will soon regret their action," he said bitterly. "They rejected a great man."

"Remember that earful I gave you way back kneedeep in June, Lem? If your party had been shooting at first place instead of second it would have picked Al Smith. Any guy that can stand up against cyclones the way Al does packs an awful punch. He's a paid-up member of the human race and that's something Davis is everything else but.

"Course I thought La Follette would do a whole lot better out in the cornfields. Maybe I pulled a few boners on that, but nobody can ever say I threw any wild forward passes about Davis. I knew he'd be a riot in dear old Dixie and gather in the unanimous vote of the editor of the New York Times, but otherwise his act looked like a flop. He gave La Follette rotten support in tying the can to Calvin—and that's one you can play both ways. The pipe dream was that they would meet at the Mississippi, but neither of 'em got there. So its us for four years on the C. & D. Line.

"That's another one that gets my Angora, Lem. Nobody in this burg has slipped Coolidge any more raspberries than Little Willie, but every time this Dawes opens his trap, I'm glad Cal is a healthy guy. This would be another rotten time to take on an accidental President.

"After this you can't tell me there's nothing in this horseshoe stuff. If Harding had been a little huskier he'd have lived to hear some bad news in 1924, and by this time nobody would remember whether Coolidge was the name of a toothpaste or a town in Jugoslavia. A little hardening of the arteries, trip to Alaska—and here's Calvin sitting pretty.

"Me, I saved something out of the wreck. My heart was with Battling Bob, but I won two dollars on Coolidge. I voted against the old cash drawer—and so did about fourteen million other boobs. Folks who are suffering from high prices blew themselves to another order of the same. Busted farmers threw in with the busters, and union labor pinned the geranium on union-smashers. Honest people came out in droves for grand larceny. Who'd have thought there were so many forgivers and forgetters packed into one country?"

Late in the evening came Quigley, the self-styled independent voter, the man who wore no boss's collar. A happy light danced in the bookkeeper's near-sighted eyes.

"Whadda you mean, 'we won'? I thought you were nuts about Davis."

"I did consider Davis, but I saw he was hopeless and I didn't want to waste my vote. I have a unique record. I've been on the winning side in every election for twenty years."

"Yes, there must be a whale of a me-too vote. 'The gang's all here' is the best argument with some people."

"Anyway this puts an end to those radicals," said Quigley.

"I wish you'd tell that to Joe Spivak. He's the only radical on my calling list and he breezed in here today with his map all lit up over what happened to my friend, Robert. I kidded him a little. 'Mean to say you didn't vote for La Follette?' He says, 'That boorjoy! I'd rather take Coolidge and die in horrible agony.'"

"What's a boorjoy, Elmer?"

"That's Russian for killjoy."

"Well, Quig, I should lose my beauty sleep! My favorite indoor sport is guffawing at the White House, and believe me the guffawing is going to be good for the next four years. Whenever you hear a breach of the peace on Main Street, that'll be your Uncle Dudley inhaling the latest dope from Washington. Some day Cal will wish we'd sent him to the showers when we had the chance. They'll eat out of his hand for a little while and then they'll up and bite off his thumb. And that'll be sweet music to me."

"Don't you love your country at all, Elmer?"

"I love it as much as the next guy, but I don't like it very well. Anyhow, not today."

FELIX RAY.

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CORRESPONDENCE

War Is War

SIR: Mr. Levinson in discussing the Draft Treaty of Disarmament and Security (New Republic, August 28) quotes with approval John Bassett Moore's advice that no distinction between aggressive and defensive war be attempted, but that national self-defense—combatting an invading army, for example—be called something else than war. Mr. Moore suggested no other term, however, nor does Mr. Levinson.

A war by any other name would smell as bad. Euphemisms are among the devil's best tools. When our country was at war with Germany the president of a theological seminary said, addressing the Twentieth Century Club of Boston: "I am opposed to war. But I do not regard this as war. This is the arrest of an international brigand." Calling our war something else did not change its character or its consequences.

Said Mr. Moore: "The right of self-defense is inherent and must be preserved, but is not war. Self-defense by an individual makes the defender neither a murderer nor a duellist." Here is the familiar fallacy, the false analogy between the nation and the individual. What may be right, or at least pardonable, as between two individuals is not necessarily so as between two peoples, great populations of millions of men, women and children. Coercion by force is properly applicable to wrong-doing individuals. *Policing is the word for it. War differs from policing* chiefly in that it deals not with individuals but with entire peoples. War involves both innocent and guilty in a common disaster. According to the Borah resolution of February, 1923, "In the Constitutional Convention of 1787 it was successfully contended by Madison and Hamilton that the use of force when applied to people collectively, that is, to states or nations, was unsound in principle." Accordingly the Constitution the wise fathers framed contained no provision for the coercion of a state by the general government but only of wrong-doing individuals. The true analogue of the nation is not the individual but the small collectivity, the municipality. And municipalities do not make war on one another, do not maintain police for defense against one another. That inter-municipal controversies, if such arise, will be settled peaceably is taken for granted, the courts being open for such settlement. Similarly our Constitution provides for the settlement of inter-state disputes by the Supreme Court and takes for granted the maintenance of peace between the states. Imagine our Constitution cluttered up with such expressions of distrust and such provisions for war as appear in the Draft Treaty for Disarmament and Security!

It is true that the Civil War came despite our federal system. No political device is absolutely proof against human passion and folly. The Civil War was not due to the evil ambition of any single state or small group of states, but rather to a seeming clash of interest and a real clash of sentiment between two great sections of the country. But the settlement of scores of inter-state controversies by the Supreme Court, during the past one hundred and thirty-five years, without resort to force and—note well—without the threat of force, points the way to world peace. Our Union is a league of peace, but it is not a league to enforce peace. Our Constitution provides no sanctions for bad faith on the part of a state, but takes good faith for granted. No other plan is practicable in the organization of the world for peace. To put sanctions—other than the compelling power of enlightened public opinion—into the organic law is only to invite war.

The fact is that war requires two parties and the one word covers the activities of the two regardless of their relative responsibility for the conflict. *As a matter of fact each side invariably believes itself in the right, defending itself against aggression.* Probably the blame is never wholly upon either side. But both sides suffer about equally in the long run, whatever the military issue. It is war itself, being inherently suicidal to both parties whatever their respective pleas, that must be abolished. "Bellum est delendum," cries the pacifist Cato of today. The right of national self-defense by military means, that is, by killing or being killed by the so-called enemy, is not "inherent," and must not be "preserved," and is "war," despite Mr. Moore's dictum. There is a better way of self-defense than killing or being killed by well-meaning men who happen to be under another flag.

Nietzsche, a Saul among the prophets, pointed out that no nation can maintain an army avowedly for self-defense only save by presupposing evil intentions on the part of other nations. "The doctrine of the army as a means of self-defense must be abjured as completely as the lust of conquest. Better perish than to hate and fear, and twice as far better to perish than to make oneself hated and feared—this must some day become the supreme maxim of every political community." (The Wanderer and the Shadow, Section 284, Vol. II of Human, All-too-Human.)

HENRY W. PINKHAM,
Secretary, The Association to Abolish War.

Brookline, Mass.

The Equal Rights Amendment

SIR: In a recent comment on the election policy of the National Woman's party you say:

> A narrow extreme feminism is just as discouraging as its opposite which has ruled the world so far; and we see very little difference between voting for women who will put the Equal Rights Amendment ahead of everything else, and *therefore woman always ahead of men*, and voting for men who have insisted on putting their own sex first so long that part of the other sex is not unnaturally in a belligerently feministic mood.

Isn't this one of those hasty paragraphs which seems to say something rather smart and really says nothing at all? We all know the heavy tradition under which a "Journal of Opinion" labors; even where there is little information and less conviction, there must be nevertheless an "opinion" and the smarter the better.

Surely to suggest that putting the Equal Rights Amendment ahead of everything else is the same as "putting women always ahead of men," is to deny the validity of the words in your own sentence. It is not a special privilege measure the feminists are asking for, it is an *equal rights* measure.

The Amendment, we hope, will accomplish three things: It will sweep away once and for all what remains of the common-law precedent as to woman's inferiority and dependence; it will be a sort of bill of rights, such as for instance the increasingly common regulation that a woman teacher or civil servant loses her job on marriage; it will take women out of the class of minors and children in industrial legislation. (Genuinely protective legislation would probably be extended to include men and thus all element of tyranny removed from it.)

In what way can it be said that the advocacy of this measure is "putting women ahead of men?"

As to the election policy of the National Woman's party, its decision to take a non-partisan position, to support only candidates who stand by the Equal Rights Amendment and to support them regardless of party affiliations, is that not a perfectly legitimate political method for an advanced minority to adopt?

"I put prohibition first." "Single tax is fundamental,—that is all I work for." "How does he stand on the negro? That is how I judge a public man." I seem to hear echoes like this from my many years of association with reformers. Is it really unreasonable of women to make an issue of their own freedom?

As a feminist I have often longed for a little thoughtful gallantry from men, from editorial writers, for instance, a generous tendency to ask themselves, "How would you feel about it if you were a woman?"

CRYSTAL EASTMAN.

Croton-on-Hudson, N. Y.

A National Liberal Club

SIR: As most of the readers of the New Republic are liberal-minded persons I think they would be interested in the fact that the little luncheon club known as The Penguins in this city (which was conceived and brought forth in liberality and curiosity) is expanding into a national liberal club.

We have taken on a large and dignified house at 1712 Eye Street, N. W., where non-resident members can come for assembly, conference, lunch and lodging and which will be headquarters for all liberals, local and out-of-town. Membership dues have been kept small; most liberals are not rich.

GILSON GARDNER, Chairman.

Washington, D. C.

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The Drama of Intelligence

The Discovery of Intelligence, by Joseph K. Hart. New York: The Century Company. $4.00.

SOME discoveries require to be made only once. A new continent is perceptible and in a sense accessible to all the world so soon as its coast line is charted. A new idea, say the differential calculus, may be too recondite for a large public. But the few whose training does enable them to grasp it make it forthwith the basis of a superstructure of mechanical achievements susceptible to general use and appreciation. Such a thing henceforth has a definite place in civilization. Its loss is impossible: the surrounding culture holds it fast.

"Intelligence" is like none of these things. Abstract principles, or daring feats of exploration, require intelligence for their inception and realization. They are products of the process; intelligence is the process itself. As a state of being it precedes the consummation of all discoveries. Wherever things are happening the mind is hard at work. But wherever men are gathered together, no matter how sodden with custom and tradition those particular individuals may have become, there is intelligence in the midst of them, a human quality, more inalienable than any customary rights, ready to take effect in action the instant circumstances require it.

To define this quality or process is a rather difficult undertaking as the intelligence testers have made abundantly clear. The difficulty arises from the fact that it is neither an organ like the mechanism of taste nor an occupation like the performance of eating. For one thing, it presumably goes on all the time with more or less intensity. No doubt both the organism and the institutional system are involved in its operations. Roughly speaking, the organism exhibits two opposite dispositions, each one equally the expression of the obvious structural economy of the human body: habit and intelligence. Human beings are disposed to drop into set ways of conducting their affairs. They are also extraordinarily restless, perpetually casting about with all sorts of random movements for a fresh grip on things. On the institutional side these dispositions spell order and revolution, the two ultimates of civilization everywhere. The social economy is always crystalline; it is also simultaneously more or less fluid. Any moment of history can be taken as the expression of a certain established system of social life. But it can also be taken as a turning point, an axis of transition. Civilization itself, which is only a longer word for man, is a perpetual amalgamation of habit and intellect.

Dr. Hart, being an educational philosopher, speaks of intelligence almost entirely in institutional terms. Its opposite, in his definition-by-contrast, is the folkway, custom, convention, in short, order. The life of the intellect appears to him, as to many sociologists of the present generation, a struggle of the liberated mind against the bonds of dogma. The things which interest him most in modern civilization are the evidence of change, growth, free movements, new institutions. Not so much any particular discovery of modern times appeals to him as the supreme justification of our civilization as the onward rush itself, the realization, increasingly, of movement, which is to say progress, as the central ambition of the human intellect. The triumph of the modern age is not the solution of problems set by an earlier order but the sweeping away of the order which set the problems. Dr. Hart sees this in the history of education. The whole gospel of modernism is the revolt against routine. The function of education is to cultivate the intellect; intelligence is inward freedom; ergo, the schools must be liberated from all rigid formulas. For the moment the formulas seem to have become too rigid and to have cracked in consequence, and intelligence may be seen all up and down the land peeping through, naked and free, ready, it would appear, to join hands all round and dance across the Arcadian meadows of the future swinging the garlands of perfect understanding.

Nothing could be more stimulating to the imagination than this picture. Exhibited in historical terms, as Dr. Hart presents it, the realization of the new freedom seems to be indeed the consummation of the noblest qualities of the human soul. To look back is only to see in the dim distance of ancient culture, murky with primitive folkways and savage despotism, the earliest glimmering of the light of reason. Further along the light steadies to a continuous gleam shining down the centuries to the present with ever increasing candle power: the light that never fails. This, our history, is a Promethean drama. There are many acts and myriad characters. No single version contains them all. Dr. Hart intends his to be the drama of the schools, and draws in the general background only to provide a setting in which to unfold the processes of education. His story is always interesting and sometimes exciting. Everyone who goes to school can understand it, and no one who cares about the adventures of the mind should fail to read it.

But it is not necessary for the appreciation of a play to confuse drama with reality. This account of European civilization is good theatre, as Stark Young says, but very conscious art. Like all art it selects and magnifies and generally heightens its effects to the greater glory of the play and exaltation of the audience. Dr. Hart is a playwright no less than the rest, though no more. His dramatic principles are precisely the same as those of James Harvey Robinson, for instance. They include, in particular, the assumption of the benighted savagery of our ancestors and its corollary, our own consummate cultivation, both quite contrary to fact. Thus Dr. Hart pictures primitive man as completely ridden by his bugaboos. "Primitive men are almost always tender-minded. They want security, escape from uncertainty, a world in which all questions have been answered, which taxes the mind in no unusual way." And so might we but for our savior, Socrates. There once was a man named Socrates. According to Aristotle, he discovered intelligence. "The discovery of intelligence was the greatest event in human history."

What delicious nonsense! The human intellect is an adventurous affair. But the moral of its perpetual struggle with habit and institution for fresh experience is not that of a single discovery and unitary dénouement. Audacious as our present ventures seem, they cannot, in the nature of things, be essentially different from the hazards of our ancestors of the old stone age. While as for bugaboos, how many voters have just now recorded at the polls their deep-set yearning for security, escape from uncertainty, a world in which all questions have been answered, which taxes the mind in no unusual way?

C. E. AYRES.

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Metaphysics and Art

European Literature in the Nineteenth Century. By Benedetto Croce. Alfred A. Knopf. $6.00.

IT becomes increasingly difficult to be patient with Signor Croce's books, whether they take the form of applied criticism (as in the case of European Literature in the Nineteenth Century) or critical theory. To some extent this is due to an unfortunate tone, nowhere so apparent as in this latest book—a tone somewhat truculent, somewhat peevish, as of an old pride injured and angry, a tone alternately magisterial and patronizing, and not infrequently malicious. Have these things a place in criticism, or need Signor Croce so often go out of his way to throw derisive stones at other critics, his predecessors and contemporaries? One is annoyed by his repeated habit of doing so, and, passing beyond one's annoyance, one makes the unpleasant discovery of the large place which intellectual vanity takes in Signor Croce's motive. Impossible, of course, to exorcise this—every critic must have his secret share. But when, somehow injured, it begins to affect the critic's tone, to discolor emotionally his perceptions and judgments, one loses that comforting belief in his impartiality which one is so willing to exert. It is only because Signor Croce is a very respectable citizen of letters that one makes an effort, in this regard, to overcome one's distaste. And then one discovers that this is not the least difficulty which he presents.

One does not mean by this that there is anything abstruse or difficult in the book itself, which is a competent, if unexciting, survey of twenty-five rather capriciously selected nineteenth-century figures. One would even be glad if several of these chapters had been in this sense more difficult—one cannot feel that Signor Croce has adequately "seen" Scott or Stendhal or Manzoni or De Musset, to name but a few; and if he comes closest, in his treatment of Caballero and Monti and Baudelaire, and perhaps Leopardi, to enriching definitely our perceptions, he certainly does not enrich them very much. He has, too, his own quite emphatic sense of values, which prompts him to put Manzoni above Balzac and Byron, and to state that the works of Scott are not at all to be considered as "art or poetry," but as something else(?); and which, while it compels him (reluctantly) to diminish severely the stature of Leopardi, enables him to hail Carucci as perhaps the greatest poet of the century, "a poet-Vates, a heroic poet, an ultimate pure descendant from Homer," and the author of a poetry "suited to prepare and to comfort man in the battles of life with its potent, lofty, and virile tone." With this, which is simply a judgment, one sympathizes or not, according to one's taste. It is not in one's disagreement, here and there, that one feels a growing difficulty, a sense of obstruction and failure, but in something more profound.

This profounder something, which alienates one's sympathies, is in part Signor Croce's persistently metaphysical view of art, a view almost religious in intensity, hostile to all other views, and aimed primarily (so one feels) at a philosophical justification of art, not a functional understanding of it. He begins with the hypothesis that art is something sublime, absolute, and autonomous; and his purpose seems not so much to attempt an analysis of its cause and roots in human nature as to assign it a metaphysical place. Perhaps one ought not to quarrel with this. What one has more right to resent is the fact that while Signor Croce's view is so clearly a metaphysical one, nevertheless he claims to be "scientific." Is it necessary to note that science does not always profitably build on large, loose, unverified assumptions, and that a modestly empirical method of investigation is sometimes better? But Signor Croce's method is that of a generous hypothesis or two followed by an "argument," elaborate logical structure, which as often as not is pure verbalism, and often enough is not even good logic. In The Essence of the Æsthetic, for example, he says: "And if it be asked why art cannot be a physical fact" (he has just stated that it is not) "we must reply, in the first place, that physical facts *do not possess reality*, and that art, to which so many devote their whole lives, and which fills all with a divine joy, is *supremely real*; thus it cannot be a physical fact, which is something unreal." The reasoning, the assumptions, do not seem flawless; nor, granting the idealist position, can one perceive precisely on what Signor Croce bases his discovery that one's feeling (relation) toward a work of art is real, while one's relation toward an apple (say) is not. One could multiply instances of this sort of logistic thinking, a vague verbal juggling, which gets him again and again into terminological difficulties from which the only escape is a quibble, and which take him always farther from a genuinely scientific approach to his subject. Art, in all this, is nowhere, is lost in the absolute, or at best is glimpsed for a moment as "an aspiration enclosed in the circle of a representation," or as something of which the only "judgment . . . is philosophical."

This, of course, is not very helpful; and it is odd that Signor Croce, who, in his preface, claims to be scientific, loses no opportunity of referring sarcastically to those who employ the methods of biography or physiology or psychology, or (as he likes to put it) "erotic psychopathology," in their effort to grasp the nature of art or to understand its function. Why should this irritate him so intensely? One suspects him of being half aware of the hollowness of his position, and of its inadequacy; its inadequacy, that is, in providing him with a means of approach to his subject. For, unhappily, his view of art as autonomous and absolute; and his thence-deluded disbelief in categories, "kinds" and "classes" of art; and his further deduction that "form" and "material" cannot be isolated for study—these views force him to make of his criticism very largely a sort of examination of souls, often conducted in a moral light, and with apologetic reference to the influences of time or place or history; apologetic, because these seem to suggest that there is a part of art which is, in a sense, "external." And precisely here one sees why it is that one always, in these critical notes, feels a little cheated. It is because Signor Croce is himself cheated. His "views" will not permit him, on the one hand, to employ psychology and biography in his study of a poet's "behavior" or development; nor, on the other hand, can he sufficiently admit the separability of form or literary class to devote himself to a minute testing of the principles there at work, and of the extent to which those principles control the writer or are controlled by him. We get from Signor Croce, therefore, neither a careful and precise analysis of style (from the linguistic or historical or prosodic or psychological view-point, coming to the æsthetic) nor an analogous study of motive, but an attempt, necesarily confused and incomplete, to give both at once in a somewhat sentimental, paraphrastic commentary on an author's char-

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acter as revealed in his work. This Signor Croce sometimes does admirably, as in his study of Baudelaire; yet one wishes that he could free himself from his metaphysical and logical difficulties (which are unreal) and allow his perceptiveness and power of analysis a fuller play. "How does it come about" (he asks, after quoting a passage from Maupassant) "that these commonplace reflections, these poor words, move us to tears?" Well, how does it? Signor Croce does not answer his question, appearing to think that to have asked it is sufficient; it is a sort of question which he seldom raises, and answers almost never. And yet one is inclined to think that it is exactly here that criticism begins—where, unfortunately, Signor Croce leaves off.

In a sense a critic qualifies as intelligent more by his awareness of æsthetic problems than by his solution of them—the solution is apt to be temperamental, not logical, is not necessarily right or wrong, and one is free to agree or disagree, to sympathize or not, according to one's own temperament. It is when the perception of a problem is acute, rich in perspective and implications, that one honors a critic and profits by him. Signor Croce gives us, of this perceptive sort, little light; his theory of art as "intuition," and all the verbal paraphernalia dependent thereon, keep him, inevitably, close to mediocrity as a practical critic, since the intuitionists can only say "like" or "dislike," not pausing to say why. And as for the amazing metaphysical structure which he builds about art—dare one breathe the suggestion that it has, somewhat, the appearance of high-class intellectual fake?

CONRAD AIKEN.

Child Labor and the Constitution

Child Labor and the Constitution, by Raymond G. Fuller, with an Introduction by John H. Finley. New York: Thomas Y. Crowell Co. $2.50.

THE proper development of its children is undoubtedly the most serious problem America faces. As Graham Wallas points out, realization of the fact that mankind is not static, but is born anew every generation, has changed the course of peoples, for good or for evil—as witness Germany, Japan, and, even more recently, Russia. We have the opportunity to rebuild our civilization in fifty years, and the power to send it crashing in a welter of cripples and morons.

If we have advanced somewhat from the day of Bumble, the day of the Brothers Barnabas, with its Shavian Utopia where childhood is abolished, remains a dream, or, perhaps, a nightmare. In the interim, we have the problem of child labor.

There has been no more important contribution to the discussion of this problem than Mr. Fuller's book. Equipped by training and by experience, with ability to digest and analyze the wealth of material he has collected, he has given a comprehensive picture of existing conditions, a picture that is as fair as it is disheartening.

The census of 1920 (when the Federal Child Labor tax law was in force) showed that of 12,500,000 children in the United States between the ages of ten and fifteen, over 1,000,000 were engaged in gainful occupations. The same census showed over 4,900,000 illiterates over ten years of age—a greater percentage than in England and France or Germany. The causal relation between child labor and national illiteracy, Mr. Fuller makes clear by detailed and careful studies of the effect child labor has upon schooling.

The evils of child labor, the author demonstrates, are physical as well as mental. Of 2,500 children recently examined in certain beet-fields of Colorado and Michigan, seventy percent had deformities and malpositions apparently due to strain. Of 978 boys from thirteen to sixteen employed in or about the mines of a district in Pennsylvania, 178 had suffered accidents. In Massachusetts, in 1919-1920, over 1,600 children suffered industrial injuries; Indiana reports 993 for the same period, and New York, 1983. These are instances taken at random from chapters whose dispassionate statistics form a compelte and horrible answer to those who blandly exult that our children can find a refuge from idleness.

As Mr. Fuller takes pains to point out, not all child work is harmful. The distinction lies between suitable work, which conserves and develops children, and labor which inhibits and degrades them. The dominant note of the book is that the point of inquiry is not the needs of business, but the needs of childhood and adolescence; that children are to be regarded, not as grist for the mills of industry, but as the stuff of which nations are made.

It would seem impossible to read "Child Labor and the Constitution" and remain unconvinced that the national stream is being polluted at its source. There is no necessity to point out that there can be no equality of opportunity when so large a proportion of our children drudge away their formative years in a cotton field or in a tenement, too busy for school, too tired for play, harnessed to the wheel before their time. The problems of our democracy can not be solved by a nation of sixth-graders. It is unbusiness-like and wasteful to try to weed out evils from our civilization while we complacently stand by as the weeds are being planted.

The scientific point of view of the author is nowhere more in evidence than when he emphasizes the folly of seeking a universal panacea. Education of parents, as well as of children, the abolition of tenant-farming, mother's pension laws, better homes, the supplying of public playgrounds, vocational guidance, all must play their part. The part that law can take is limited—a negation, but a vital negation. A field cannot be tilled by erecting a fence about it, and the passage of legislation, state or national, can not of itself give children the development to which they are entitled. But without the passage of suitable laws, the experience which Mr. Fuller so overwhelmingly adduces proves that the proper care of children is impossible.

Mr. Fuller shows, lucidly and convincingly, the need of national legislation on the subject of child labor. The indications are that child labor has increased to a considerable extent since the federal laws were declared unconstitutional. At least thirty-one states fail to measure up to the moderate standards of the federal laws with respect to the fourteen-year age limit for factories, the eight-hour day, and prohibition of night work for children employed in factories.

Twice has Congress passed legislation to help remedy the evil, and on each occasion its attempt has been frustrated by the Constitution, as interpreted by the Supreme Court. Criticism of the decisions in Hammer vs. Dagen-

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hart and Bailey vs. Drexel Furniture Company is now immaterial. The question is not a point of law, but a policy of action. Only through a constitutional amendment can the nation's children be effectively protected.

Apart from the snortings of the modern Bumbles, who are still horrified that Oliver Twist dares to ask for more porridge, there are two arguments against the enactment by the states of the amendment which Congress has passed. The first, that national action will dull state initiative, through inhibition of state action, defeats the end for which it was framed, is answered, as Mr. Fuller shows, by our experience in the administration of the congressional child labor laws before they were declared unconstitutional. The organizations and individuals prominent in the field of child welfare are practically united in agreeing that federal action is urgently needed, and will be effective. Moreover, the proposed amendment does not prohibit state action, but only enables Congress to fix minimum standards, which the States are at entire liberty to raise.

The second objection is not directed to the problem of child labor, but to a theory of government. Centralization, it is cried, has gone far enough—some power must be reserved to the state, and what power is more a matter of state concern than the regulation of the children within its borders? It may be answered that an amendment to give Congress power to do virtually what four Justices of the Supreme Court thought it had power to do without an amendment can not be so radical a change in our form of government. The real answer, however, is put by Mr. Fuller in the form of a quotation from Elihu Root: "It is useless for the advocates of state's rights to inveigh against the supremacy of the constitutional laws of the United States, or against the extension of national authority in the fields of necessary control, where the states themselves fail in the performance of their duty."

If it is true that some of the states are beginning more fully to realize that they have failed in the performance of their duty, it is none the less true that the realization is too slow and too partial to warrant further jeopardizing of the nation's manhood. It is infinitely more important to allow children an opportunity to develop into maturity equipped physically and mentally to meet the struggles of modern life than it is to give the states further time in which to appreciate the evils and injustice which so many of them tolerate. The country is beginning to perceive that the welfare of its children is as much a matter of national concern as its battleships and armies.

REUBEN OPPENHEIMER.

Marbacka

Marbacka, by Selma Lagerlöf. New York: Doubleday, Page and Company. $2.50.

SELMA LAGERLOF has made a sentimental journey into the regions of her childhood. In these sketches, thin, sweet, and inconsequent, she recollects and drops a tear for old people and things that have passed. She touches slight familiar milestones—summer games in the woods and stories in winter beside the fire, the wonderful bird of paradise that cured Selma's hip-disease, work-days and fête-days, ballads and pranks and fables of the Värmland. Briefly she assembles all the persons, real and legendary, who gathered at the homestead Marbacka when Lieutenant Lagerlöf was master. It is a delicate Swedish variation on The Old Oaken Bucket. The book is an idyl pure and simple—too pure and simple to be quite interesting, if this were not a famous writer describing her early home. The lovely ardor that prompted her to write Gösta Berling has faded, and Marbacka is valuable chiefly because it shows the sources of that masterpiece. The background of Gösta Berling, sturdy country life colored with legend and sentiment, is to be found on the Lagerlöf farm. Literary critics will recognize in the impromptu orchestra that played at Marbacka the originals of the Ekeby pensioners. And they will see the model for Gösta himself in old Color-Sargeant von Wachenfeldt, "who comes driving down the rocky road, while the lone silver bell tinkles feebly and almost mournfully. In the days of his power and glory the sixty silver bells which hung from the harness and trappings jingled right merrily . . . He sits there in a mangy old fur coat and a still shabbier seal-skin cap. He wears thick lynx mittens to protect his gouty hands, but the distorted joints are noticeable even through the thick mittens. Nevertheless it is he—Wachenfeldt—he who has held so many beautiful women in his arms!"

ROSE LEE.

Education in the Making

Experimental Practice in the City and Country School, edited by Caroline Pratt, with a Record of Group Seven by Lulu E. Wright. New York: E. P. Dutton and Company.

WHAT do children do in an "experimental" school? Are they just wandering about at will "being happy" as one critic complained, are they wasting precious time on the latest psychological fad, are they—last horror of all—being experimented *on?*

Even visitors who have taken the pains to spend a morning or more in one of these newer schools have not been very sure what was going on. To be sure, there were certain obvious changes from the traditional school—disciplinary rows and cumbersome desks have disappeared, "order" as usually defined, is non-existent, children instead are moving freely about, either individually or in small groups, tremendously absorbed in an amazing variety of materials: blocks, sand, paint, crayons, clay, lumber, boats, printing presses, typewriters, science apparatus, stage sets, weaving materials, sewing machines, electrical appliances, tom-toms, tambourines, orchestra bells—and even books. Something different indeed is happening to these children, but just what is hard to determine. Teachers or directors, when pressed for explanation, too often turn on a flood of jargonated oratory which is a great deal more confusing than enlightening.

But here at last is an informing and thought-provoking exposition of what goes on in an experimental school by a pioneer in the movement, whose work for ten years has been claiming the attention of intelligent educators everywhere. The book contains not only Miss Pratt's admirable summary of the principles underlying her work, but also a record, kept month by month for an entire year, of a class of seven-year-old children, by their teacher, Miss Wright. Both record and philosophic ar-

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AGNES DE LIMA.

Contributors

E. C. LINDEMAN is the author of The Community and Social Discovery.

LOUIS UNTERMEYER is the author of Roast Leviathan, Challenge and American Poetry since 1900.

HUGH L. KEENLEYSIDE is a Canadian, sometime American Antiquarian Society Fellow in American history. He is now instructor in social history at Syracuse University.

MARGERY SWETT OF POETRY was associate editor of Fashion-Art for two years and contributes verse and articles on various phases of feminism to leading magazines.

CONRAD AIKEN is the author of Scepticisms. His most recent work is Pilgrimage of Festus (Knopf, 1923).

REUBEN OPPENHEIMER, a graduate of Harvard Law School, is a contributor to the Harvard Law Review, and other publications.

ROSE LEE, a graduate of the University of Chicago, contributes reviews to various magazines.

AGNES DE LIMA, who is making a study of experimental schools, has contributed articles on education to the Bookman and the New Republic.

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